

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Tim B. James,)	C/A No. 4:13-3056-RBH-KDW
)	
)	
Plaintiff,)	
)	REPORT AND RECOMMENDATION
v.)	
)	
)	
LCPL Monroe Herring, Officer Lorrie)	
Oates, Asst. Chief Bobby McLean, Nurse)	
Doe, Chief Johnny Sah, Dillon County)	
Sherif Major Hulon, and City of Dillon,)	
)	
Defendants.)	

Plaintiff, represented by counsel, filed this 42 U.S.C. § 1983 action alleging that Defendants violated his constitutional rights. Plaintiff also brings several state-law causes of action. *See* Compl., ECF No. 1 (filed November 10, 2013). Although some Defendants have responded to Plaintiff's Complaint in this matter, Defendants Herring, Oates, McLean, and City of Dillon have not. Plaintiff's counsel has not provided the court with any information regarding whether Herring, Oates, McLean and/or City of Dillon have been served. Plaintiff's 120-day deadline for serving the Complaint on all Defendants expired on March 13, 2014. *See* Fed. R. Civ. P. 4(m); ECF No. 1. On April 17, 2014, the court advised Plaintiff that if he did not provide the court with the status of service as to Defendants Herring, Oates, and McLean by May 1, 2014, this matter may be recommended for dismissal with prejudice for failure to prosecute as to Herring, Oates, and McLean. ECF No. 15. The May 1, 2014 deadline passed without Plaintiff providing the requested service documents. In a May 7, 2014 Order, the court again noted Plaintiff had not provided timely service documents for Defendants Herring, Oates, and/or

McLean. ECF No. 19. In addition, the court noted Plaintiff had not provided timely service documents as to Defendant City of Dillon. *Id.* The court instructed Plaintiff to provide status of service as to Defendants Herring, Oates, McLean, and City of Dillon no later than May 16, 2014. *Id.* Plaintiff was again advised that, if he failed to comply with the court's order to provide the service information by that time, the undersigned may recommend the case be dismissed without prejudice as to the unserved defendants. *Id.* To date, Plaintiff has not complied with the court's orders to supply service information, ECF Nos. 15, 19, nor has he otherwise communicated with the court regarding these service-related matters. Accordingly, it is recommended that the case against Defendants Herring, Oates, McLean, and City of Dillon be dismissed without prejudice for failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962).

IT IS SO RECOMMENDED.



May 21, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**